

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

No. M 07-1827 SI
MDL. No. 1827

This Order Relates to:

Best Buy v. AU Optronics Corp. et al.,
Case No. 10-CV-4572;

Best Buy v. Toshiba Corp. et al.,
Case No. 12-CV-4114;

Target Corp., et al. v. AU Optronics Corp. et al.,
Case No. 10-CV-4945.

**ORDER DENYING DEFENDANTS’
“MOTION FOR AN ORDER ADOPTING
A PROCEDURE TO RESOLVE
OUTSTANDING QUESTIONS OF FACT
WITH RESPECT TO PLAINTIFFS’
STANDING UNDER SECTION 4 OF THE
CLAYTON ACT”**

Defendants’ motion for an order adopting a procedure to resolve outstanding questions of fact with respect to plaintiffs’ standing under section 4 of the Clayton Act is scheduled for a hearing on July 9, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that this matter is appropriate for resolution without oral argument, and VACATES the hearing on this motion. For the reasons set forth below, the Court DENIES the motion. Docket No. 7878.

Defendants propose a cumbersome and repetitive process to resolve what they characterize as unresolved issues about standing. The Court finds that the suggested process is unnecessary and unwarranted. The Court has previously found that plaintiffs Best Buy and Target¹ have standing to

¹ Defendants’ motion appears to be directed only to the federal claims, and thus Kodak, which asserts only state claims, should not be affected by it.

1 present their claims to the jury at trial. Dkt. No. 7188. The jury will be required to find, after trial,
2 whether plaintiffs have proved the facts necessary to demonstrate liability and damages in accordance
3 with the instructions they will be given. If, after trial and verdict, defendants continue to dispute the
4 sufficiency of the evidence to support the jury's findings, they have options under the Federal Rules of
5 Civil Procedure to attempt to remedy their concerns.

6 Accordingly, the Court DENIES defendants' motion.

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8 **IT IS SO ORDERED.**

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10 Dated: July 8, 2013



SUSAN ILLSTON
United States District Judge